

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Chad Nicholas Nelson,

File No. 23-cv-2031 (ECT/LIB)

Petitioner,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Keith Ellison, *Minnesota Attorney General*,
and Carrie Sperling, *Assistant Attorney
General, Conviction Review Unit*,

Defendants.

Plaintiff Chad Nicholas Nelson commenced this action pro se by filing a complaint against Defendants Keith Ellison and Carrie Sperling. ECF No. 1. The case is before the Court on a Report and Recommendation [ECF No. 3] issued by Magistrate Judge Leo Brisbois. Magistrate Judge Brisbois recommends dismissing Nelson's complaint without prejudice because the suit is not cognizable. ECF No. 3 at 3. Nelson timely filed objections to the Report and Recommendation. ECF No. 6. Defendants have not filed a response to Nelson's objections. Because Nelson has objected, the Court is required to review the Report and Recommendation de novo pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b)(3). The Court has undertaken that de novo review and has concluded that Magistrate Judge Brisbois's analysis and conclusions are correct.

Nelson also moves for leave to file an amended complaint. ECF No. 8. Nelson's proposed amendment fails because the deficiencies in the original complaint will not be cured by the proposed amendment, and, as such, an amendment would be futile. *See GWG*

DLP Funding V, LLC v. PHL Variable Ins. Co., 54 F.4th 1029, 1036 (8th Cir. 2022) (“[P]arties should not be allowed to amend their complaint without showing how the complaint could be amended to save the meritless claim.”). Additionally, Nelson neither supplied a copy of the proposed amended complaint nor described the new claims or parties to be added.¹ See D. Minn. LR 15.1(b) (requiring that a motion to amend a pleading be accompanied by a copy of the proposed amended pleading).

Based on the foregoing, and all the files, records, and proceedings in this matter, **IT IS ORDERED THAT:**

1. Plaintiff Chad Nicholas Nelson’s Objections to the Report and Recommendation [ECF No. 6] are **OVERRULED**;
2. The action is **DISMISSED WITHOUT PREJUDICE**;
3. The application to proceed without prepaying costs, ECF No. 2, is **DENIED**;
4. The motion for leave to file an amended complaint, ECF No. 8 is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: September 11, 2023

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court

¹ Nelson cites Federal Rule of Civil Procedure 19(a), which governs joinder of parties, as a basis on which he seeks leave to amend. ECF No. 8.